

Legislative Bulletin.....March 19, 2010

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H.R. 3644—Ocean, Coastal, and Watershed Education Act

H.R. 3644 - Ocean, Coastal, and Watershed Education Act
(Rep. Capps, D-CA)

Order of Business: The bill is expected to be considered on Friday, March 19, 2010 under a structured rule. The rule ([H.Res.1192](#)) provides for one hour of debate equally divided and controlled by the majority and minority, waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI (earmarks & “pay-go”), makes in order one amendment that self-executes under Part A of the rule, provides for one amendment under Part B of the rule, and provides one motion to recommit with or without instructions.

Summary of amendment in nature of substitute: The bill authorizes two existing programs within the National Oceanic and Atmospheric Administration (NOAA): the Bay-Watershed Education and Training Regional Program and the National Environmental Literacy Program. Both programs are focused on advancing ocean, atmospheric, and environmental literacy for children in grades K-12. Both of these programs were established through the congressional appropriations process, and have not been codified into law. Specifically, the amendment in the nature of substitute for H.R. 3644 would:

Environmental Literacy Education: H.R. 3644 authorizes the creation of a literacy grant program to:

- ◆ Expand the adoption of coastal, ocean, Great Lakes, and climate on all time scales education;
- ◆ Build administrative and technical capacity with coastal, ocean, and watershed communities and stakeholder groups to enhance their effectiveness;
- ◆ Encourage water-dependent, wildlife-dependent, and other outdoor recreation, experiential learning, and hands-on involvement with coastal and watershed resources as a method of promoting stewardship and sustainable economic development of those resources;
- ◆ Develop and implement new approaches to advance coastal, ocean, Great Lakes, and climate on all time scales education and environmental literacy at national, regional, and local levels; and
- ◆ Encourage formal and informal environmental education about the systemic interrelationships between healthy coastal, watershed, and marine resources and

sustainable economic systems that depend on such resources for job creation and economic development.

The Administration is required to give priority to projects that demonstrate the potential to be sustained in the future beyond the time period in which activities are carried out with the grant. 80% of the grant must be used for competitive grants or cooperative agreements, no more than 10% for administration, and no less than 10% for cooperative agreements.

B-WET Program: The legislation permanently changes the name of the Bay-Watershed Education and Training Program Administration to B-WET. It includes any eligible institution that has demonstrated “expertise and experience in the development of the institutional, intellectual, or policy resources to help environmental education become more effective and widely practiced.”

H.R. 3644 authorizes the NOAA Administrator for funding to establish new regional programs, upon taking into consideration the strategy to evaluate new non-federal partnerships and future budget expansions. Priority consideration for the programs must include U.S. territories, Alaska, the Great Lakes Region, and the mid-Atlantic region. The legislation also allows the Administrator take into consideration mutual interests between relevant stakeholders to realign regional programs after a public comment period.

H.R. 3644 requires any Regional Program Manager appointed by the NOAA Administrator to demonstrate competence and expertise in bay-watershed education and training and live in the region. The Program Manager must administer the B-WET program to encourage outdoor recreation, environmental learning experiences, environmental stewardship, sustainable economic development, community communication, and provide financial and technical advice, among other duties.

H.R. 3644 requires the Administrator to create a grant program within 180 days of enactment and prioritizes projects that promote bay-watershed education, advance strategic initiatives to incorporate bay-watershed education into formal and informal education systems, build capacity within bay-watershed education communities and stakeholder groups, build bay-watershed education into professional development or training activities for educators, and broadly replicate existing, proven bay-watershed education programs. The grant federal cost-share cannot exceed 75% of a projects total cost. In additional, the program managers are required to give additional priority consideration to projects that conducted by under-served communities or those that have difficulty attracting funding because of a low population or are low-income. Finally, the grant program requires 80% of all funds for each grant to be used for the implementation of activities and no more than 20% to administer the grants.

Biennial Report: The bill requires a report every two years on an assessment of the success, impact, and description of each program disaggregated by State.

Authorizations: The bill authorizes a total of \$80.6 million over the FY 2011 - 2015 periods to carry-out the programs authorized in the Environmental Literacy Program and B-WET programs.

Possible Conservative Concern: Some conservatives may believe the federal government should not be funding grant programs that promote local environmental education programs for students in grades K through 12.

Additional Information: The NOAA funds two [grant programs](#), the Bay-Watershed Education and Training (B-Wet) program, and the Environmental Literacy (ELG) program. Established in 2002 and 2005, respectively, these programs seek to advance ocean, atmospheric, and environmental literacy in the United States. These programs are intended to provide children in grades K-12 with appreciation of the economic, social, and environmental benefits of coastal and bay areas. Children also are taught the importance of stewardship of these areas.

The Bay Watershed Education and Training Program ([B-Wet](#)) is intended to help make watershed education available to students and teachers throughout these regions and promote stewardship of the Bay. B-Wet provides regionally-focused funding through grants which promote Meaningful Watershed Educational Experiences (MEWWEs). B-Wet focuses its funding on six regions of the country: [California](#), [Chesapeake](#), [Gulf of Mexico](#), [Hawaii](#), [New England](#), and the [Pacific Northwest](#). Since 2002, more than \$40 million has been used to fund more than 530 B-WET programs. In FY 2008, 130 B-WET projects reached more than 125,000 students and 6,000 teachers.

The Environmental Literacy Grants Program ([ELG](#)) issues educational grants to training for teachers, experiential learning, civic engagement, development of broadcast media products, and public opinion research. Since 2005, ELG has issued 59 competitive awards totaling \$25.8 million. This has enabled NOAA to join with a variety of educational and nonprofit organizations across the country.

Committee Action: On March 24, 2009, the bill was referred to the Committee on Natural Resources. On November 18, 2009, the committee held a mark-up and ordered the bill to be reported, as amended, by a vote of 22 – 13.

Administration Position: A Statement of Administration Policy (SAP) for H.R. 3644 is unavailable at press time.

Cost to Taxpayers: CBO estimates that implementing the legislation would cost \$135.7 million over the 2011-2014 period and \$48 million after 2014. Enacting the legislation would not affect direct spending or revenues. The amendment in the nature of a substitute authorizes \$80.6 million over five years.

Does the Bill Expand the Size and Scope of the Federal Government? Yes, the bill permanently authorizes two grants programs within the NOAA.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? According to Committee Report 111-392, H.R. 3644 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

Constitutional Authority: Committee Report 111-392 states Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

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